ARTICLE 4 ZONING DISTRICTS

DIVISION 1 GENERAL

Section 4.100 Establishment of Zone Districts

- A. **Zone Districts Established.** The following zone districts are established. The Use Tables set forth in Section 4.200 explain which uses are allowed in each zone district and the type of review that is required for different uses.
 - Agricultural District (A). The purpose of the Agricultural District is to preserve and protect rural areas of the County where the conservation of agricultural resources and agricultural production is of major importance and where uses must be protected from uncontrolled and unmitigated residential, commercial and industrial uses.
 - 2. **Rural Residential District (RR).** The purpose of the Rural Residential District is to protect rural agricultural areas, while allowing for residential areas developed at a density and character compatible with agricultural uses. All unincorporated areas of the County which are recognized as within subdivisions by the County Assessor as of the enactment of this code and which subdivisions are predominantly Lots of 35 acres or more are Rural Residential.
 - 3. **Estate Residential (ER).** The purpose of the Estate Residential District is to provide areas where management and maintenance of agricultural resources is of incidental value, allowing for residential areas developed at a higher density. All unincorporated areas of the County which are recognized as within subdivisions by the County Assessor as of the enactment of this code and which subdivisions are predominately lots of less than 35 acres are Estate Residential.
 - 4. **Industrial (I).** The purpose of the Industrial zone district is to provide appropriate areas for industrial and service businesses, in locations where conflicts with residential, commercial and other land uses can be minimized.

Section 4.110 Establishment of Zone District Overlays

A. **Zone District Overlays Established.** Overlay districts are superimposed over the existing zone district, and the overlay district regulations are in addition to those of the underlying zone district. Uses permitted in the underlying zone district are permitted in the overlay district if the proposed use conforms with the applicable standards for the zone district and the additional standards and restrictions of the overlay district. The following overlay districts are established: i) Watershed Protection Overlay District, ii) Floodplain Overlay District, and iii) Community/Townsite Overlay District.

- B. **Special Review Use**. *All* uses in Overlay Districts shall be subject to the application and review procedures for Special Review set forth in Section 3.400 and Section 3.420.
- C. **Watershed Protection Overlay District**. The boundaries of the Watershed Protection overlay zone district shall be established by Resolution of the Board of County Commissioners. The purpose of the Watershed Protection Overlay District is to:
 - 1. **Prohibit Significant Degradation to Environment**. Prohibit certain uses that because of their intensity or nature cause significant degradation to the watershed environment.
 - 2. **Protect Watershed from Pollution**. Regulate development so that the watershed is protected from erosion, contamination, sedimentation and other point or nonpoint sources of pollution.
 - 3. **Maintain Harmony with Wildlife Habitat**. Ensure that development is planned and designed to be harmonious with wildlife habitat.
 - 4. **Preserve Resources and Aesthetics of the Environment**. Preserve the natural environment, historical and cultural resources, and aesthetics of the watershed to the greatest extent possible.
 - 5. **Ensure Compatibility**. Ensure compatibility between a proposed land use activity and natural constraints by requiring well-engineered solutions to those constraints.

D. Floodplain Overlay District.

- 1. **Boundaries and Jurisdiction**. These floodplain regulations shall be applied: i) on existing zoned areas containing flood hazard areas, ii) lands within the Designated Floodplain District (DFD) and the Flood Prone District (FPD) which is the 100-year floodplain as mapped on the Flood Insurance Rate Maps (FIRM), and iii) all lands adjacent to any water course within the unincorporated area of Costilla County which could be inundated by a 100-year flood for that water course.
- 2. **Purpose.** The purpose of the Floodplain Overlay District is to:
 - a. **Flood-carrying Capacity**. Minimize or prevent adverse affects of proposed development on the flood-carrying capacity of flood hazard areas.
 - b. **Minimize Flood Loss.** Minimize flood losses by restricting or prohibiting uses which are dangerous to public health, safety and property in times of flood or which cause increased flood heights or velocities within the 100-year floodplain.

- b. Regulate Development in Flood-prone Areas. To take necessary steps which are particular to flood-prone areas and land use proposals, specifically those which alter the existing character of the land and lie within known or designated 100-year floodplains and can affect drainage patterns and flood-carrying capacities of the known watercourses within these flood-prone areas. Any proposed development which would alter or increase the potential damage or impacts of a major storm or alter the floodplain impacts on other tracts of land shall require this review prior to permit approval.
- E. **Community/Townsite Overlay District**. The Board of County Commissioners my by Resolution designate an area to be a Community/Townsite Overlay District. Each such resolution shall include description of the characteristics of the district that justify its designation, provide a review process and standards for development located in such district, and shall identify the location and boundaries of the district. The purpose of the Community Overlay District is:
 - 1. **Identify Established Areas of Urban Densities and Uses**. To acknowledge and identify County areas where urban densities and uses exist and are appropriate when consistent with this code, and to establish development standards that promote compatible land use and growth within these areas.
 - 2. **Provide for Land Use Permit Application Procedures and Review Standards**. To provide consistent application procedures and review standards for proposed land use in existing unincorporated communities.
 - 3. **Promote Compatible Development.** To facilitate development activity compatible with existing land use and small lot development of unincorporated communities within the County.

Section 4.120 Levels of Review for Applications for Land Use Permits for Uses Allowed in Zoning Districts.

There are three levels of review that might apply to the issuance of a Land Use Permit for uses allowed in zoning districts. These are Zoning Review ("Z"), Limited Impact Use Review ("L") and Special Review ("S"). The Use Tables in Section 4.200 indicate the level of review that will be required for different types of uses each zoning district.

- A. **Administrative Zoning Review ("Z")**. Administrative Zoning Review consists of review of an application by the Land Use Administrator. The application and review procedure for Administrative Zoning Review is found at Section 3.300.
- B. **Limited Impact Review ("L")**. Limited Impact Review consists of review by the Land Use Administrator and review and decision by the Planning Commission. The application procedure for Limited Impact Uses is found at Section 3.400, and the review procedure for Limited Impact Uses is found at Section 3.410.

- C. **Special Review** ("S"). Special Review consists of review by the Land Use Administrator and the Planning Commission, and review and decision by the Board of County Commissioners. The application procedure for uses requiring Special Review is found at Section 3.400 and the review procedure is found at Section 3.420.
 - 1. **Review of Uses in Overlay Districts**. Uses in Overlay Districts shall be subject to the application and review procedures for Special Review.

DIVISION 2 ZONE DISTRICT REGULATIONS

Section 4.200 Use Tables

- Z Use requiring Administrative Zoning Review
- L Use requiring Limited Impact Review
- S Use requiring Special Review
- M Use requiring application of Mobile Home/Mobile Home Park Regulations, Article 8
- E Use Exempt from Permit Requirement

All uses in Floodplain and Watershed Protection Overlay Districts are subject to Special Use Review.

	ZOVE DIGEDICES			
	ZONE DISTRICTS			
		Rural	Estate	
USES	Agricultural	Residential	Residential	Industrial
Accessory Agricultural Retail	Е	S	S	
Sales				
Accessory Concrete or	S			Z
Asphalt Batch Plant				
Accessory Dwelling	Z	Z	Z	Z
Accessory Outside Storage	Z	Z	Z	Z
Accessory Structures 120 sq.	Z	Z	Z	Z
ft. or larger				
Accessory Structures smaller	Е	E	Z	Z
than 120 sq. ft.				
Accessory Structures	Е	E		
Necessary to Agricultural				
Operations, smaller than				
120 sq. ft.				
		ZONE DI	STRICTS	
LIGEG		Rural	Estate	
USES	Agricultural	Residential	Residential	Industrial
Agricultural Products	S			Z
Processing, Storage,	S S			L
Distribution and Sale Off-Site				
Agricultural Products	Е	L		

Processing, Storage,				
Distribution and Sale at Point				
of Production				
Agricultural Products	S	S		Z
Retail Outlet				
Bakery, Commercial	S	S	S	Z
Bank		S	S	
Bed and Breakfast	Z	L	L	
Boarding House		S		
Building Contracting Shop	L	S	S	Z
Building Material or Garden	S	S	S	
Store				
C1	C	C		
Campground	S L	S L	S	Z
Carpentry, Woodworking or Furniture Making Facility	L	L	3	Z
Car Wash	S	S	S	L
Cemetery	L	L	L	
Church	L	L	L	
Convenience Store	S	S	S	L
Crop Production, Cultivation,	E	L		
Harvesting				
Custom Meat or Poultry	S			S
Processing Facility				
Day Care Center	L	L	L	
Educational Facility	L	L	L	
Emergency Care Facility	L	S	S	
Equestrian Center	Z	L	S	
Excavations of Less than 100	Е	Е	Е	Е
Cubic Yards Unrelated to				
Mining				
Excavations of 100 Cubic	L	L	L	L
Yards or More Unrelated to				
Mining				
		70175		
	ZONE DISTRICTS			
USES	Agricultural	Rural Residential	Estate Residential	Industrial
Feed Yard, Commercial	S	Residential	Residential	S
Fire Station	S	S	S	Z
Forestry	L	S	5	L
1 010001 y	L	5		L

Golf course	S	L	L	
Group Care or Foster Home	L	L	L	
Group Cure of Fester Home				
Home Occupation	Z	Z	Z	Z
Hospital	S	S	S	L
Hospitai	5	5	5	L
Indoor Recreation	S	S	L	
Industrial	S	~	_	L
	~			
Keeping of Non Domestic	S	S	S	Z
Animals				
Kennel	L	S		Z
Laundry and Dry Cleaning,	S	S	S	L
Commercial				
Livery or Horse Rental	S	L		
Operation				
Livestock & Animal	Е	Z	Z	
Husbandry				
Jan Carlotte II J				
Machine Shop	S	S		Z
Mining	S			L
Mobile Home Park	S, M	S, M		
Mobile Home – Single Family	M	M	M	
Dwelling Outside of Mobile				
Home Park				
Mortuary			S	
Multi-Family Dwelling		S	S	
		~	~	
Nursery, Commercial	L	S	S	Z
Nursing, Convalescent or	S	S	S	
Residential Care Home	~	~	~	
Facility				
Overnight Lodging	S	S		
Oil & Gas Drilling or	S			L
Production				
	ZONE DISTRICTS			
	Rural Estate			
USES	Agricultural	Residential	Residential	Industrial
Park or Playfield	L	L	L	
Printing or Publishing	S	S		Z
Establishment		~		_
Professional Office	S	S	S	
1101000101141 011100			~	

Public Recreation Center	S	L	L	
Public Utility Facility, Major	S	S	S	Z
Facility				
Reception Halls and	S	S	S	
Community Meeting Facilities				
Recreational Vehicle	S	S		
Park/Campground				
Recycling Collection Center				L
Recycling Collection Center,				Z
Small				
Recycling Processing Facility				L
Resort Lodge, Conference	S	S		
Center or Guest Ranch				
Restaurant, with Drive-thru			S	
Service				
Restaurant or Bar, without	S	S	S	
Drive-thru Service				
Retail or Personal Service	S	S	S	
Facility				
Saw Mill	S			L
Sewage Treatment Facility	L	L	L	L
Sewage or Water	L	L	L	L
Transmission Lines				
Single Family Dwelling	Z	Z	Z	
Single Family Dwelling	Е			
Associated with Exempt				
Agricultural Operation				
Solar Energy System	Z	Z	Z	Z
Solid Waste Disposal Site and				S
Facility				
Solid Waste Transfer Facility				L
Storage - Outside, Unrelated				L
to Agricultural Use				
Storage Facility, Personal		S		Z
Storage				
	ZONE DISTRICTS			
		Rural	Estate	
USES	Agricultural	Residential	Residential	Industrial
Telecommunication Company	S	S		Z
Central Office				
Telecommunication Facility,	S	S	S	Z
Public Safety				

Telecommunication Facility	S			Z
Theater, Indoor		S	S	
Utility Service Facility	S	S	S	Z
Vehicle Service Center				Z
Vehicle Sales and Rental Lots				Z
Veterinary Clinic	S	S		L
Warehouse & Distribution				Z
Center				
Water Reservoir	S	L	S	S
Water Treatment Facility	S	S	S	S
Wind Powered Electric	S	S	S	S
Generator				

	ZONE DISTRICTS			
TEMPORARY USES	Agricultural	Rural Residential	Estate Residential	Industrial
Temporary Batch Plant	Z	Z	Z	Z
Temporary Construction or Sales Office	Z	Z	Z	Z
Temporary Fireworks Stands & Christmas Tree Lots	Z	Z	Z	Z

Section 4.210 Minimum Setback Requirements

(1) Front yard setback:

1.

- A. **Minimum Setbacks, Agricultural District**. All buildings shall be located at least fifty (50) feet from the property line and thirty-five (35) feet from the edge of the road easement right-of-way on the side of the property facing a county road.
- B. **Minimum Setback Requirements, Rural Residential District**. All buildings shall be located at least twenty-five (25) feet from the property line.
- C. Minimum Setback Requirements, Estate Residential District.
 - a. (i) aarterial 20 feet

	b. <u>(ii)</u> major collector	20 feet
	c. (iiilocal	20 feet
2.	S (2)	side yard setback: 5 feet
3.	(3)	Rear yard setback:
	a	(i) principal uses 25 feet
	b	(ii) accessory uses 5 feet